

REMARKS

1. In section 1 of the Action, the Examiner requests copies of foreign patent documents and other documents cited on pages 3 and 4 of the IDS dated July 31, 2003 for examination. The Applicant respectfully notes that those documents were submitted by Applicant in connection with U.S. Serial No. 10/196,480 filed on July 15, 2002, which is the parent of the subject application. Therefore, the Examiner will find a copy of those documents in the file wrapper of that application.

2. In section 3 of the Action, the Examiner rejects claims 58-63, 67-72, 82-87, and 91-93 under 35 USC § 102(e) as being anticipated by U.S. Pat. No. 6,246,500 to Ackerman. The Applicant respectfully disagrees.

When discussing Ackerman, the Examiner makes reference to elements 14, 15, 72 and 80 of Ackerman. Therefore, the Applicant presumes that the Examiner is making reference to Figure 5 of Ackerman. Figure 5 of Ackerman shows a wavelength division multiplexer 70 combining signals 13a, 13b coming from lasers 14 and 15, respectively, and transmitting them through a single optical fiber 16 to a modulator 22. As a consequence, data (Vrf) are combined with the optical carrier in the modulator 22.

On the other hand, claim 58 recites "*a plurality of optical carrier signals . . . each optical carrier signal carrying all of a plurality of wavelength division multiplexed initial data signals.*" In Ackermann, the signals WDM'ed by WDM 70 are laser source signals 13a, 13b, i.e. they carry no data.

Further, claim 58 recites "*dividing each . . . optical carrier signal into a plurality of intermediate signals . . . each intermediate signal carrying all of the multiplexed initial data signals over a predetermined wavelength range.*" Therefore, a division among optical carrier signals is performed, based on

predetermined wavelength ranges. Where is this feature performed in Ackerman? The splitter shown at the input of modulator 22 just splits the same signal into two different paths, without making any kind of "*dividing . . . over a predetermined wavelength range.*"

Similar considerations apply to independent claim 82. Therefore, the Applicant submits that claims 58 and 82 are patentable over Ackerman, together with claims 59-63, 67-72, 83-87, and 91-93, at least by virtue of their dependence over claims 58 or 82.

3. In section 4 of the Action the Examiner rejects claims 58-63, 67-72, 82-87 and 91-93 under 35 USC § 102(b) as being anticipated by U.S. Pat. No. 5,751,242 to Goutzoulis or U.S. Pat. No. 5,583,516 to Lembo. The Applicant respectfully disagrees.

With respect to Goutzoulis, the Examiner makes reference to elements 38, 44a, 44b and 50 of Goutzoulis. Therefore, the Applicant presumes that the Examiner is making reference to Figure 2A of Goutzoulis.

However, claim 58 recites "*dividing each of a plurality of optical carrier signals into a plurality of intermediate signals.*" To the contrary, Fig. 2A of Goutzoulis only shows a single input to the splitter 38.

Further, claim 58 recites "*each optical carrier signal carrying all of a plurality of wavelength division multiplexed initial data signals.*" Where is Goutzoulis showing that signal 33 has been wavelength division multiplexed before entering splitter 38?

Still further, claim 58 recites "*dividing each . . . optical carrier signal into a plurality of intermediate signals . . . each intermediate signal carrying all of the multiplexed initial data signals over a predetermined wavelength range.*" Therefore, a division among optical carrier signals is performed, based on predetermined wavelength ranges. Where is this feature performed in

Goutzoulis? Splitter 38 of Figure 2A just splits the same signal into two different paths, without making any kind of *"dividing . . . over a predetermined wavelength range."*

Similar considerations apply to independent claim 82. Therefore, the Applicant submits that claims 58 and 82 are patentable over Goutzoulis, together with claims 59-63, 67-72, 83-87, and 91-93, at least by virtue of their dependence over claims 58 or 82.

With respect to Lembo, the Examiner makes reference to elements 'OPTICAL POWER SPLITTER,' 70 and 'OPTICAL RECOMBINATION' of Lembo. Therefore, the Applicant presumes that the Examiner is making reference to Figure 7 of Lembo.

However, claim 58 recites *"dividing each of a plurality of optical carrier signals into a plurality of intermediate signals."* To the contrary, Fig. 7 of Lembo only shows a single input 284 to the OPTICAL POWER SPLITTER.

Further, claim 58 recites *"each optical carrier signal carrying all of a plurality of wavelength division multiplexed initial data signals."* Where is Lembo showing that signal 282 has been wavelength division multiplexed before entering the OPTICAL POWER SPLITTER?

Still further, claim 58 recites *"dividing each . . . optical carrier signal into a plurality of intermediate signals . . . each intermediate signal carrying all of the multiplexed initial data signals over a predetermined wavelength range."* Therefore, a division among optical carrier signals is performed, based on predetermined wavelength ranges. Where is this feature performed in Lembo? The OPTICAL POWER SPLITTER of Lembo just splits the same signal into seven different paths, without making any kind of *"dividing . . . over a predetermined wavelength range."*

Similar considerations apply to independent claim 82. Therefore, the Applicant

submits that claims 58 and 82 are patentable over Lembo, together with claims 59-63, 67-72, 83-87, and 91-93, at least by virtue of their dependence over claims 58 or 82.

4. In section 5 of the Action, the Examiner states that claims 64-66 and 88-90 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In view of the Applicant's arguments as to claims 58 and 82, the Applicant respectfully submits that such rewriting is not required anymore.

5. In section 6 of the Action, the Examiner allows claims 73-81. The Applicant thanks the Examiner for the allowance of those claims

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In view of the above, reconsideration and allowance of all the claims are respectfully solicited.

The Commissioner is authorized to charge any additional fees, which may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, then the Commissioner is authorized to treat

this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

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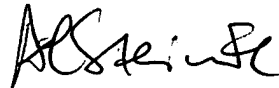
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Respectfully submitted,



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